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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,276	03/17/2004	Gerald D. Fuller	24462.2	4222

716 7590 04/27/2005

COX SMITH MATTHEWS INCORPORATED
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 SAN ANTONIO, TX 78205-1521

EXAMINER

SOLIS, ERICK R

ART UNIT	PAPER NUMBER
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3747

DATE MAILED: 04/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/802,276

Applicant(s)

FULLER, GERALD D.

Examiner

Erick R Solis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-120 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12 is/are allowed.
- 6) ☒ Claim(s) 13-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 13-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Mottier et al (US Patent No. 5630384). Mottier et al teach the use of an auxiliary capacitor discharge device (capacitive discharge booster (81)) for boosting the supplied energy to an ignition circuit during starting. An energy storage device (83) is included in the circuit. Energy from the energy storage device is supplied to the capacitive discharge device to aid in starting the engine. An output circuit and a controller regulate the output of energy to the engine. See col. 3, lines 40-52; col. 3, line 64 - col. 4, line 9; col. 5, lines 35-40.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mottier et al. Mottier et al applies as above, but does not teach the controller being programmable. Applicant is hereby placed on official notice that programmable ignition systems are well known. It would

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have been obvious to one of ordinary skill in the art to have used such a programmable controller in Mottier et al's engine since this would have allowed for more versatile control of the ignition system.

5. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mottier et al in view of either of Kurosu et al or Endou. Mottier et al applies as above, but is silent regarding how the energy storage device is recharged. Both of Kurosu et al and Endou teach magneto based ignition system for internal combustion engines wherein the energy storage devices (batteries) receive energy from the internal combustion engine via a magneto. It would have been obvious to one of ordinary skill in the art to have charged up the energy storage device (83) of Mottier et al using the magneto as taught by either of Kurosu et al or Endou since this technique is well known in the art and would have provided for a convenient way of maintaining energy storage device (83) charged up.

Response to Arguments

6. Applicant's arguments filed 18 January 2005 have been fully considered but they are not persuasive. In particular, regarding the 35 USC 102 rejection of claims 13-17 applicant argues that Mottier et al do not teach or suggest storing energy from the capacitive discharge system into the battery. Although this argument is valid, applicant has not included this limitation in claim 13. Applicant's arguments regarding claims 19 and 20 are moot in view of the new grounds of rejection.

Allowable Subject Matter

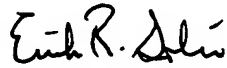
7. Claims 1-12 are allowed.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erick R Solis whose telephone number is (571) 272-4853. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Yuen can be reached on (571) 272-4856. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3700.


Erick R Solis
Primary Examiner
Art Unit 3747

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April 25, 2005